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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/477,675	01/05/2000	Cheol Sheong Lee	P-068	9575
34610	7590	02/09/2004	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			BOCCIO, VINCENT F	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/477,675

Applicant(s)

LEE, CHEOL SHEONG

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 4
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

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DETAILED ACTION

1. During a telephone conversation with Daniel Kim on 2/5/04 a provisional election was made with traverse to prosecute the invention of I, claims 1-6.

Affirmation of this election must be made by applicant in replying to this Office action. Claims 7-9 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-6, drawn to a video signal reserved video recording apparatus, classified in class 386, subclass 83.
- II. Claims 7-9, drawn to three separate embodiments or three distinct species, associated with three distinct methods for setup of reserved video recording, associated with internet cites of broadcasting stations, classified in class 725, subclass 112.

The inventions are distinct, each from the other because of the following reasons:

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2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)).

In this case the three methods identified with respect to claims 7-9, Figs. 4-6, are separate distinct embodiments with can be implemented by another materially different apparatus, such as a general purpose computer with an bi-directional interface such as a modem or other to access the recited internet cite provided from broadcasters.

Further the apparatus can also operate for example to access information thru the communication means, without any access to an internet cites associated with broadcasting stations.

Invention II, further restricted, as being three distinct embodiments associated with three methods of setting up a reserved recording operation, thru an internet cite associated with a broadcasting station.

3. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I, Fig. 4, claim 8;

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Species II, Fig. 5, claim 7;

Species III, Fig. 6, claim 9.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, it is deemed that there are no generic and allowable claims.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or

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identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browne et al. (PCT/WO 92/22983) in view of Greenburg (US 4,258,385).

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Regarding claims 1-2 and 3-4, Browne discloses and meets the limitations of a video signal reserved video recording apparatus,

the system comprising claimed limitations of:

a communication means connecting to a communication network to thereby transmit and receive data (page 8, "operate a communication session with a remote computer via a signal path", "ISDN Network", also see Fig. 11, "word search", page 30)

a video signal storage means which is connected with the communication network to thereby memorize a video signal (storage 104 and/or optional storage 104 b),

a memory means for storing the broadcast reservation information about a user-selected program from the video signal storage means, wherein the reservation information comprises date and time and channel (Figs. 5 A-E, setting a recording event, which is stored in the system memory, a part of 104, Fig. 13, date met by steps 1320 & 1330, "Month and Day", time met by "1340" and channel "1350");

a control means for controlling the above described means ("controller 105", a microprocessor, "Neural Network 114").

Browne further discloses and meets the limitation of providing a plurality of conversion means or elements,

met by elements such as "A/D & D/A converters 102 & 110", "compressors 103", "modulation section 111", also provided with means for word searching (Fig. 11) and editing capabilities (Fig. 10 A & B) etc.,

but fails to particularly show wherein the conversion means which is connected with the signal storage means for thereby scanning the output of the video signal storage means and converting the same to a RGB signal, as recited in claim 1; and

further providing a broadcast signal conversion means for converting the output of the conversion means (the RGB signal) to a certain particular broadcasts signal or is a NTSC encoder, as further recited in claims 3-4.

Greenburg teaches that the processing path as recited is known in the art as shown in Figs. 1-2 etc., a interactive video system handling and editing real time video such as 30 frames per second (col. 8), wherein shows/teaches the recited processing path, as claimed, having

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O storage means (Fig. 2, "76");

O a conversion means connected to the storage means and generating a RGB signal, therefrom ("DAC 3", which outputs an analog RGB signal, thereby converting from digital to analog);

O a broadcast signal conversion means for converting the output of the conversion means (RGB) to a certain particular broadcast signal (Fig. 2, "36" and Fig. 1, wherein element 36 is a NTSC encoder), wherein as taught by Greenburg, at col. 7, related to handling the video into its RGB components, performs an overlay operation with element 88, which has numerous functions to process at the RGB level of the video signal, wherein processing in the RBG format, to the overlay element provides for ultimate display on a per pixel basis, which provides advantages of avoiding any flicker or noticeable image distortion (col. 7), further by processing to RGB a high resolution monitor 44 is/can be provided on the outputs of the RGB signals, further provides the same to a NTSC (RGB to NTSC encoder) encoder 36 to a TV or color monitor 48, as shown in Fig. 1, as taught by Greenburg.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Browne by incorporating the processing path having storage means, conversion means and broadcast signal conversion means as taught by Greenburg, having advantages as discussed above etc...

Regarding claims 5-6, the combination further meets the limitation as applied and provides a TV unit for displaying the output from the broadcast conversion means (see Greenburg, Fig. 1, "color monitor 48 is provided with the output of the broadcast converter or, after the NTSC encoder 36 or converter).

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Contact Fax Information

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication intended for entry)

or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Contact Information

1. Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F. Boccio (703) 306-3022.

If any attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Andy Christensen (703) 308-9644.

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service (703) 306-0377.

Primary Examiner, Boccio, Vincent
2/6/04


VINCENT BOCCIO
PRIMARY EXAMINER